

REMARKS

Upon entry of the present response, claims 2-18, 20-21, 23-38 remain pending in the present application, with claims 20 and 21 indicated to be allowable in the outstanding Office Action.

Initially, Applicants note that the Examiner issued an Advisory Action on June 4, 2007 in response to Applicant's Response After Final Under 37 C.F.R. § 1.116 and Interview Summary that was filed on May 15, 2007. In the Advisory Action of June 4, 2007, the Examiner indicated that the Applicant's Response of May 15, 2007 will be entered for purposes of appeal; however, it is Applicant's understanding that it has not yet been entered.

In the final Office Action of April 30, 2007, the Examiner rejected claims 23-38 under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Further, the Examiner also rejected claims 2-18 under 35 U.S.C. § 101 because "the tangible computer medium execute the method claims". The Examiner also indicated that claims 20 and 21 contain allowable subject matter.

On May 7, 2007, the Examiner conducted a telephone interview with a representative for Applicants, John Mazzola. During the telephone interview, the Examiner indicated that rejected claims 2-18 and 23-38 would be allowable if Applicants submitted a replacement paragraph [0055], deleting the sentence: "A digital file attachment to E-mail or other self-contained information archive or set of archives is considered a distribution medium equivalent to a tangible storage medium", which Applicants did in the Response of May 15, 2007.

However, in the Advisory Action of June 4, 2007, the Examiner indicated that the Applicant's Response of May 15, 2007 does not place the application into condition for allowance because paragraph 0055 of the specification still contains the phrase "distribution medium" as an alternative medium. Accordingly, in the present Response, Applicants have deleted the phrase "or distribution medium" from paragraph 0055 of the specification. Further, Applicants have deleted the sentence "A digital file attachment to E-mail or other self-contained information archive or set of archives is considered a distribution medium equivalent to a tangible storage medium" from paragraph 0055 of the specification, which Applicants deleted in the Response of May 15, 2007.

Although Applicants disagree with the Examiner's rejections of claims 2-18 and 23-38 under 35 U.S.C. § 101, Applicants have submitted a replacement paragraph [0055] as discussed above, solely in order to expedite prosecution.

In the outstanding Office Action, the Examiner indicated that claims 23-38 do not produce a useful, concrete, and tangible result. Applicants disagree and submit that claims 23-38 are indeed directed to statutory subject matter. The Examiner's attention is directed to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" set forth in the Official Gazette of the United States Patent and Trademark Office, dated November 22, 2005 (Volume 1300, Number 4). In this regard, claims 23-38: a) are useful for a particular purpose (*i.e.*, processing a telephone call in an interactive voice response system); b) produce a tangible result (*i.e.*, a non-abstract practical application that produces a real-world result); and c) produce a concrete result (*i.e.*, repeatable for the same input variables). Further, Applicants submit that the

Examiner's rejection of claims 2-18 under 35 U.S.C. § 101 is inappropriate in that claims 2-18 recite a method and not a computer medium. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 101.

Although Applicants do not acquiesce in the propriety of the Examiner's rejections, Applicants have amended the specification in the manner discussed above. Thus, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of claims 2-18 and 23-38, as well as an indication of the allowability of all of the pending claims (2-18, 20-21, 23-38) in view of the present remarks.

SUMMARY AND CONCLUSION

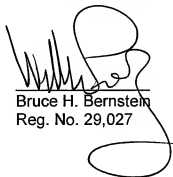
Applicant has made a sincere effort to place the present application in condition for allowance and believe that he has now done so.

Applicant notes the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes that amendments after final are not entered as a matter of right, however, Applicant submits that the amendment made to the specification does not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance, at least due to the Examiner's indication of allowable subject matter in the outstanding Office Action, as well as the Examiner's statement during the aforementioned telephone interview and in the Advisory Action of June 4, 2007.

Accordingly, Applicant respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding rejections, and indication of allowability of claims 2-18 and 23-38 pending herein, as well as claims 20 and 21, which were indicated by the Examiner to contain allowable subject matter in the outstanding Office Action.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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June 11, 2007
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